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# COMMONWEALTH OF VIRGINIA



## OFFICE OF THE GOVERNOR

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### **Executive Order No. 62 (2013)**

#### **Implementation of Senate Bill 1256 Relating to Identification Requirements for Voters at the Polling Place on Election Day**

##### **Importance of the Initiative**

The Commonwealth of Virginia and its people have a strong interest in ensuring that their elections have integrity and reliability. For the citizens of Virginia to have faith in their government, they must have faith and confidence in the conduct and outcome of their elections. This means that government must provide open, honest, and secure elections. As such, Virginia has an abiding interest in deterring and detecting any potential voter fraud. Documented cases of voter fraud have occurred both in Virginia and in other parts of the United States. Virginia's history of some very close elections demonstrates that any voter fraud could negatively affect an election decided by a very small number of votes.

While conducting safe elections, we must absolutely ensure that our voting laws have no discriminatory effect and that eligible voters are able to vote without any unnecessary or burdensome hurdles. All eligible voters regardless of income, race, age, and other factors should be able to have equal access to the electoral process. The great principle of one man, one vote is essential to American democracy, and must be protected. Embracing a vibrant democracy through encouraging young and new voters to participate, and in restoring rights rapidly to qualifying felons has been an important part of this Administration. Now, all voters must be fully informed of any changes in the law that may impact their ability to vote.

##### **Enactment of Senate Bill 1256**

Virginia has long required voters to bring valid identification to the polling place on Election Day in order to cast a vote. Likewise, federal law has required identification for certain first-time voters in federal elections since the implementation of the Help America Vote Act (HAVA) almost a decade

ago. These efforts have made our electoral system less subject to fraud, but we must continue to look for ways to further address any vulnerabilities in our system. Senate Bill 1256 continues that mission, providing a process for individuals to obtain free photo identification cards and requiring that acceptable identification with a photo of the voter be provided on Election Day in order to vote. We must maintain the provisional ballot safeguard for individuals who fail to present proper documentation at the polling place. Maintaining the provisional ballot provides an opportunity to present identification to local electoral boards by multiple means of transmission after the election. While this new act is not effective until election conducted after July 1, 2014, the time for preparation and education is now.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to § § 2.2-103 and 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the State Board of Elections, and request that local election officials, take several steps described in this Executive Order.

Specifically, this Executive Order directs the State Board of Elections to take necessary steps to ensure that all eligible Virginia voters are made aware of the provisions of this new law and are given the necessary information in order to provide an appropriate form of identification when voting in the 2014 elections, and provide details on how to attain a free photo identification, if needed. This Executive Order requests that local election officials cooperate in these efforts. I also direct the State Board of Elections, using the funds appropriated in the Fiscal Year 2014 budget, to expeditiously acquire and distribute to local registrars the necessary equipment and materials to allow for creation and distribution of photo voter registration cards.

### **Voter Outreach Campaign**

I direct the State Board of Elections to engage in a robust voter outreach campaign to educate voters about the changes to Virginia's voter identification requirements. This outreach campaign will educate the Commonwealth's voters on the following:

1. That photo identification is required at the polling place requiring in elections after July 1, 2014, and that voters who do not bring identification to the polling place or who refuse to provide identification at the polling place will be required to vote a provisional ballot;
2. The list of photo identification documents that will be accepted at the polling place;
3. That a voter may obtain a free form of valid photo identification if the voter does not have an acceptable form of identification; and
4. Provide contact information of the State Board of Elections and local registrar offices for voters to receive answers to any additional questions.

I direct the State Board of Elections to utilize newspaper advertisements, the internet, social media, television and radio (including Public Service Announcements), public town hall meetings, direct mail, public notices in state and local buildings, voter registration offices, and polling places and other means to communicate the information described above to Virginia voters, to the maximum extent that sufficient funds exist for such purposes.

I direct the State Board of Elections to coordinate with local election officials, interested third-party groups including, but not limited to, the League of Woman Voters, the NAACP, Virginia's political parties, media entities, and other organizations to help educate voters about Virginia's voter identification requirements.

I direct the State Board of Elections to ensure that its voter outreach efforts are directed at all regions of the Commonwealth and in all of its localities.

I encourage local general registrars and electoral board members to conduct their own outreach efforts in coordination with the State Board of Elections. General registrar and electoral board outreach at the local level should target local voters through local media, including radio and television, and print, making efforts to educate voters through outreach to various local community groups.

I direct other state agencies to assist and cooperate with the State Board of Elections and local general registrars in their outreach efforts, including the Department of Social Services, Department of Motor Vehicles, Department of Education, and agencies within the Health and Human Resources Secretariat.

I direct the State Board of Elections to adopt any rules, regulations or guidelines necessary to implement any particulars of this legislation, including the procedures for a voter to apply for and obtain a free photo identification card, or for the implementation of voter outreach efforts.

I direct the State Board of Elections to regularly report to me on the status of the outreach efforts from the date of implementation, July, 1, 2014, through the 2014 General Election.

**Effective Date of this Executive Order**

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 1, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 26th day of March, 2013.

**/s/ Robert F. McDonnell, Governor**

**Attest:**

**/s/Janet V. Kelly, Secretary of the Commonwealth**